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April 27, 2007

Via ECF

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The Honorable Ramon E. Reyes, Jr.  
United States Magistrate Judge  
United States Courthouse  
Eastern District of New York  
225 Cadman Plaza East, Room 263  
Courtroom A – North Wing, 2<sup>nd</sup> Floor  
Brooklyn, New York 11201

Re: **Site Pro 1 v Better Metal**  
**06cv6508 (ILG/RER)**

Dear Judge Reyes:

We represent plaintiff Site Pro 1 in the above-referenced matter.

Today we received a copy of a *Notice Of Supplemental Authority* that defendant had submitted to Your Honor. We are quite surprised that we were not consulted before defendant made this submission, particularly in view of the legal argument set forth in defendant's *Notice*. Plaintiff requests that Your Honor strike the legal argument set forth in the *Notice* as an unauthorized sur-reply. However, plaintiff does request that Your Honor consider the entire *Hamzik v Zale* decision that is appended to defendant's *Notice*, and in particular the holding of the district court.

We welcome the opportunity to address the *Hamzik* decision at the oral argument that defendant requested in its opposition to defendant's Rule 12(b)(6) motion. If more convenient for Your Honor, we can submit a written response to the unauthorized legal argument set forth in plaintiff's *Notice*. Please let us know.

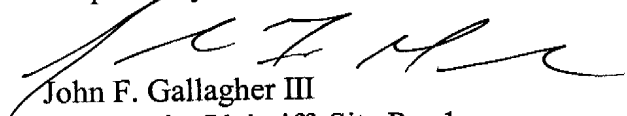
Finally, enclosed for Your Honor's consideration is a ruling that issued this week in the *Google Inc. v. American Blind & Wallpaper Factory, Inc.* case that was cited in defendant's opposition.

The Honorable Ramon E. Reyes, Jr.  
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Please let us know if any additional information is required.

Respectfully submitted,



John F. Gallagher III  
Counsel for Plaintiff, Site Pro 1

Enclosure

cc (via ECF): Thor Y. Urness, Esq.  
Jonathan Rose, Esq.  
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